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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.17799 of 2025

1.Arulraj Gunasekar @ Arulsekar

2.Arputharaj ... Petitioners/Accused 7 & 9

Vs.

1.The Deputy Superintendent of Police,
Vilathikulam,
Thoothukudi District.

2.The Inspector of Police,
Pudhukkottai Police Station,
Thoothukudi District.
(Crime No.446/2025) ... Respondents 1 & 2/Complainants

3.Vignesh @ Ram Vignesh ... 3rd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the Learned Special Court for Offences under (SC&ST) POA Amendment Act Cases, (PCR Court), Thoothukudi to pass order on the bail petition filed by the petitioners on the same day of surrender in Crime No.446 of 2025 on the file of the Inspector of Police, Pudukkottai Police Station, Thoothukudi District.

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For Petitioners : Mr.M.Pandian

For R-1 & R-2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The petitioners seek a direction to the learned Special Judge, Special Court for Offences under (SC&ST) POA Amendment Act Cases, (PCR Court), Thoothukudi to pass order on their bail petition on the same day of surrender in Crime No.446 of 2025 on the file of the Inspector of Police, Pudukkottai Police Station, Thoothukudi District.

2. Since this Court is directing the Court below to consider the bail application after giving notice to the victim, notice to the victim in this case is dispensed with.

3. In view of the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also taking into consideration of the facts of the case, there shall be a direction to the learned Special Judge, Special Court for Offences under (SC&ST) POA Amendment Act Cases, (PCR Court), Thoothukudi to consider the petitioners' bail application on the same day of their surrender in connection with Crime No.446 of 2025 registered for the offences under Section 3(5), 296(b), 115(2), 118(1),

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109(1), 351(3) of BNS, 2023, Section 3(1)(r) and 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 and pass appropriate orders in accordance with law. It is needless to say that the Court below while disposing the bail petition shall consider the gravity of the offence, previous antecedent of the petitioners and pass orders, after affording due opportunity of hearing to the victim under Section 15-A of the SC/ST (POA) Act, 1989.

4. The petitioners shall surrender before the concerned jurisdictional Court, within a period of fifteen (15) days from the date of receipt of a copy of this order. The petitioners shall inform in advance the learned Public Prosecutor and the victim of the date of surrender and of the filing of the petition.

5. This Criminal Original Petition is ordered accordingly.

17.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To
1.The Special Court for Offences under
(SC&ST) POA Amendment Act Cases, (PCR Court),
Thoothukudi.

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2.The Deputy Superintendent of Police,
Vilathikulam,
Thoothukudi District.

3.The Inspector of Police,
Pudhukkottai Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SUNDER MOHAN, J.

Lm

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